

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

SHOPPERS CHOICE SUPERMARKET, INC.,

Plaintiff,

v.

Case No. 2:11-cv-10998

AMERICAN EMPIRE SURPLUS LINES
INSURANCE COMPANY,

Defendant.

**ORDER TERMINATING AS MOOT DEFENDANT'S "MOTION FOR PARTIAL
SUMMARY JUDGMENT" AND CANCELLING JANUARY 25, 2012 HEARING**

In this action, Plaintiff seeks coverage under its fire insurance policy with Defendant for alleged building damage, business personal property damage, and loss of business income. On November 1, 2011, Defendant filed a motion for partial summary judgment on Plaintiff's claim for loss of business income. Two weeks later, on November 15, 2011, Plaintiff's business-income claim was dismissed by stipulated order. Accordingly,

IT IS ORDERED that Defendant's "Motion for Partial Summary Judgment" [Dkt. # 28] is TERMINATED AS MOOT.

IT IS FURTHER ORDERED that the January 25, 2012 hearing is CANCELLED.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: November 29, 2011

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, November 29, 2011, by electronic and/or ordinary mail.

s/Lisa G. Wagner
Case Manager and Deputy Clerk
(313) 234-5522